

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Natural Resources Defense Council,)	
Environmental Justice Health Alliance,)	
Public Citizen, Catskill Mountainkeeper,)	
Center for Coalfield Justice, Clean Water)	
Action, Coming Clean, Flint Rising,)	
Indigenous Environmental Network, Just)	
Transition Alliance, Los Jardines Institute,)	
Southeast Environmental Task Force,)	Case No. 20-cv-3058 (CM)
Texas Environmental Justice Advocacy)	ECF Case
Services, Water You Fighting For, West)	
Harlem Environmental Action, Inc.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Assistant Administrator Susan Parker)	
Bodine, Administrator Andrew Wheeler,)	
and the United States Environmental)	
Protection Agency,)	
)	
Defendants.)	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND FOR EXPEDITED
CONSIDERATION PURSUANT TO 28 U.S.C. § 1657**

Plaintiffs respectfully move for summary judgment on the basis that there are no genuine issues of material fact and Plaintiffs are entitled to judgment as a matter of law. Defendants have unreasonably delayed responding to Plaintiffs' April 1, 2020 petition for an emergency rulemaking, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 555(b), 706(1).

Plaintiffs also respectfully move the Court to expedite consideration of this case pursuant to 28 U.S.C. § 1657(a), for good cause.

Plaintiffs submit the following in support of this motion: (1) Memorandum in Support; (2) Rule 56.1 Statement of Material Facts; (3) Declarations of Lubna Ahmed, José

T. Bravo, Craig Domin, Dr. Kristi Pullen Fedinick and attached exhibit, Laura Feld, Wes Gillingham, Dallas Goldtooth, Melissa Mays, Juan Parras, Michele Roberts, Dr. Christina Swanson, and Michelle Wu and attached exhibits; and (4) Proposed Order.

Dated: April 29, 2020

Respectfully submitted,

/s/ Michelle Wu

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